

**SUPERIOR COURT  
OF THE  
STATE OF DELAWARE**

**RICHARD F. STOKES**  
*JUDGE*

**SUSSEX COUNTY COURTHOUSE**  
1 THE CIRCLE, SUITE 2  
GEORGETOWN, DE 19947  
TELEPHONE (302) 856-5264

July 2, 2015

Terrance B. Puckham  
SBI# 002

James T. Vaughn Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

RE: *State of Delaware v. Terrance B. Puckham*, Def. ID# 0612007619 ( R-1)

DATE SUBMITTED: June 30, 2015

Dear Mr. Puckham:

Pending before the Court is the motion for postconviction relief which defendant Terrance B. Puckham (“defendant”) has filed pursuant to Superior Court Criminal Rule 61 (“Rule 61”). The applicable version of Rule 61 is that effective June 4, 2014.<sup>1</sup> Also pending are defendant’s motions for appointment of counsel and to proceed *in forma pauperis*/request for transcripts to be used in connection with the Rule 61 motion.

On October 2, 2007, defendant pled guilty to charges of attempted murder in the first degree; rape in the first degree, facilitated or occurring during the commission of the crime of attempted murder in the first degree; possession of a deadly weapon during the commission of a felony; and endangering the welfare of a child. He was sentenced on November 30, 2007. Defendant did not file an appeal from that judgment; consequently, the judgment was final as of

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<sup>1</sup>A copy of that version is enclosed herein.

November 30, 2007.

Over seven and a half years later, on June 30, 2015, defendant filed his first postconviction motion. In that motion, he asserts claims of ineffective assistance of counsel.

The motion was not filed within a year of when the judgment of conviction was final,<sup>2</sup> and thus, it is time-barred.<sup>3</sup> To avoid that bar, defendant either must have:

(I) [pled] ... with particularity that new evidence exists that creates a strong inference that the movant is actually innocent in fact of the acts underlying the charges of which he was convicted; or

(ii) [pled] ... with particularity a claim that a new rule of constitutional law, made retroactive to cases on collateral review by the United States Supreme Court or the Delaware Supreme Court, applies to the movant's case and renders the conviction or death sentence invalid.<sup>4</sup>

Defendant has failed to make this showing. Defendant's motion is time-barred, and consequently, is DISMISSED. Furthermore, because the Rule 61 motion is procedurally barred, the requests for appointment of counsel and for a transcript/motion to proceed *in forma pauperis* are denied.

IT IS SO ORDERED.

Very truly yours,

*/s/ Richard F. Stokes*

Richard F. Stokes

cc: Prothonotary's Office  
Department of Justice  
John Daniello, Esquire

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<sup>2</sup>Under the July 1, 2005 version of Rule 61 in effect at the time defendant pled and was sentenced, he was required to file his Rule 61 motion within one year of when the judgment of conviction was final.

<sup>3</sup>Rule 61(i)(1).

<sup>4</sup>Rule 61(i)(5); Rule 61(d)(2).